

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13382, of Inez R. Arrendell, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the use provisions (Section 3104) to use the first floor of the subject premises as an insurance office in an R-4 District at the premises 15 S Street, N.E., (Square 3512, Lot 17).

HEARING DATE: November 19, 1980

DECISION DATE: December 3, 1980

FINDINGS OF FACT:

1. The subject site is located at the southwest corner of the intersection of S Street and Lincoln Road and is known as premises 15 S Street, S.E. It is in an R-4 District.
2. The site is triangular in shape with a frontage of 27.58 feet on S Street and a rear width of 5.50 feet. The site is improved with a two story and basement brick structure. A Certificate of Occupancy No. B-86186 was issued on October 26, 1973 for a flat, one unit, first floor and one unit, second floor.
3. There are two similar row houses west of the subject structure, both of which are also owned by the applicant. All are used as residences. The subject site is surrounded by residential buildings, one of which is an apartment house of twenty-five units presently vacant and boarded up.
4. The subject premises is vacant. The applicant proposes to use the first floor as the offices of her insurance business and to reside on the second floor.
5. The applicant's present residence at 3003 Van Ness Street, N.W. has been converted to a condominium. She also testified that she has to move from her present office space at 4420 Connecticut Avenue, N.W. The applicant testified that she would find it more economically feasible to use the subject premises as both her offices and her residence, than having to rent separate office space.

6. The applicant testified that the insurance business would be operated by herself and two agents and a secretary. The applicant does not anticipate any traffic impact. The business generates about ten persons per week, who would use public transportation. The applicant also sees clients away from her office.

7. The applicant presented no evidence or testimony that there is an exceptional or extraordinary condition of the property that prevents it from being used in accordance with the Zoning Regulations.

8. The applicant presented no evidence that there is any hardship upon her as the owner which is associated with the property.

9. There was no opposition to the application on file or at the public hearing.

10. Advisory Neighborhood Commission - 5C made no recommendation on the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is seeking a variance from the use provisions, the granting of which requires proof of a hardship that is inherent in the property. The Board concludes that there is no such hardship in the property because of its size, shape or topography. The Board concludes that there is no reason why the property cannot be used for the purpose for which it is zoned. The immediate neighborhood is put to residential use. The applicant's hardship is personal and based on economic reasons. Such reasons are not a basis for granting a use variance. The Board further concludes that the relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 5-0 (Connie Fortune, Charles R. Norris and William F. McIntosh to DENY; Douglas J. Patton and Theodore F. Mariani to DENY by PROXY).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 5 MAR 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."